



ATCC

Exhibit A
page 1 of 2

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

INTERNATIONAL FORM

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.2

To: (Name and Address of Depositor or Attorney)

Monterey Bay Aquarium Research Institute
Attn: Edward F. DeLong
7700 Sandholdt Road
Moss Landing, CA 95039

Deposited on Behalf of: Monterey Bay Aquarium Research Institute

Identification Reference by Depositor:

Escherichia coli containing cloned DNA: BAC 41B4
Escherichia coli containing cloned DNA: BAC 64A5
Escherichia coli containing cloned DNA: BAC 40E8
Escherichia coli containing cloned DNA: BAC 31A8

Patent Deposit Designation

PTA-3080
PTA-3081
PTA-3082
PTA-3083

The deposits were accompanied by: a scientific description a proposed taxonomic description indicated above. The deposits were received February 21, 2001 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested March 2, 2001. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:


Tanya Nunnally, Patent Specialist, Patent Depository

Date: March 12, 2001

cc: Ron Jacobs
(Ref. Docket or Case No.: MBA-101/US)

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Moss Landing, CA 95039

Deposited on Behalf of: Monterey Bay Aquarium Research Institute

Identification Reference by Depositor:

Patent Deposit Designation

Escherichia coli containing a plasmid: PAL E6
Escherichia coli containing a plasmid: HOT 0m1
Escherichia coli containing a plasmid: HOT 75m4

PTA-3250
PTA-3251
PTA-3252

The deposits were accompanied by: a scientific description a proposed taxonomic description indicated above. The deposits were received March 30, 2001 by this International Depository Authority and have been accepted.

AT YOUR REQUEST: X We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested April 9, 2001. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:


Tanya Nunnally, Patent Specialist, Patent Depository

Date: April 23, 2001

cc: Ron Jacobs
(Ref: Docket or Case No.: MBA-101/US)